

05/22/2003

1765146 - R8 SDMS



Sheldon Muller

05/22/03 12:46 PM

To: landlaw@telluridetelluride.com

cc:

Subject: Rico - Consent for Access for Sampling During the Week of May 25, 2003

Ramon:

I called your office earlier today to talk to you about the need for access to property owned by your client, Rico Properties Limited Liability Company, but your receptionist indicated that you were tied up for a while. I will be out of the office this afternoon but wanted you to get this message as soon as possible. So, instead of making initial contact on the phone, this e-mail will have to suffice.

EPA plans on conducting sampling in and around Rico, Colorado next week. The areas to be sampled will be surveyed on May 27, 2003 and the actual sampling will be conducted on May 28-29, 2003. I have attached a Consent for Access form that is almost identical to the form used for the April 2003 sampling. Please note that additional areas for access have been added to the form. If the document appears in order, please print it and have your client sign and date it. If you have any questions or concerns, please call me. Although we expect to complete sampling on May 29, 2003, to provide for contingencies, the Consent for Access form authorizes access through May 31, 2003.

If your client is unable to sign the Consent for Access form prior to May 27, 2003, I would appreciate a phone call providing verbal approval to be followed by written approval through your client's signature on the attached form.

I will be in the office tomorrow, Friday, May 23, 2003, but will not be in on Monday, May 26, 2003. However, in the event I do not hear from you by close of business tomorrow, I will check my voice mail on Monday.

Thank you for your assistance.

Sheldon Muller
Enforcement Attorney
U.S. Environmental Protection Agency, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466
Phone: (303) 312-6916
FAX: (303) 312-6953
muller.sheldon@epa.gov



AccessRP5-03.do

Notice: This message may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please delete the copy you received and do not print, copy, retransmit, disseminate, or otherwise use the information.

CONSENT FOR ACCESS TO PROPERTY

Name of Property Owner:

Rico Properties Limited Liability Company
11 S. Glasgow Ave.
Rico, CO 81332

Property Subject to Consent for Access:

The property subject to this Consent for Access ("Property") is located in or near Rico, Colorado and includes real property in the vicinity of the St. Louis Tunnel (including the nearby settling ponds), the Blaine Tunnel, the Rico-Argentine mill, the Argentine tailings, the Columbia Tailings, and the Santa Cruz Mine Area. The Property includes the following claims and tracts of land:

<u>Claim or Tract</u>	<u>Patent No.</u>	<u>Mineral Survey No.</u>
A.B.G.		676
Aetna		1956
Apex		11583A
Aspen		6512
Big Strike	23428	7601
Buehler		20738
Bullion		7599
Burghard	27326	8070
C.V.G.		6725
Cashier		15233
Catskill	21923	7062
Chestnut		435
Clan Cambell		1807
Columbia Millsite		365B
Denver	23428	7601
Ella D.		5659

<u>Claim or Tract</u>	<u>Patent No.</u>	<u>Mineral Survey No.</u>
Elliott Millsite	9764	1536B
Enterprise		5916
Ethlena		6136
Exchequer		5132
Franklin		564
Gen. Logan		2476
Gen. Sheridan		2479
Gen. Sherman		2477
Gertie		781
Gipy		2499
Golden Fleece		2261
Group Millsite		11583B
Hardscrabble	27326	8070
Harvey		914
Hillside		7994
Hillside No. 2		7994
Homestake and Little Cora Consolidated Placers	14903	410
Humboldt		15233
Independent		7601
Ingersol		413
Iron Clad		1428
Kearney		5133
Kitchen		5917
Last Chance	27745	8622

<u>Claim or Tract</u>	<u>Patent No.</u>	<u>Mineral Survey No.</u>
Laura		5913
Lookout		1683
Lota		6154
Mammoth		20500
Martha	1115034	20619
Mary		6205
Mervyn	1115034	20619
Millie		7988
Monarch		20387
Mtn. Spring		6129
N.A. Cowdrey		6317
New Year		1538
Nora Lilly		1010
Ontario		5923
Paymaster		997
Pelican		363
Phoenix		362
Pigeon		665
Princeton		2258
Sam Patch		8031
Santa Clara		664
Santa Cruz	25864	6132 AM
Shamrock		5832
Silver Glance		6201
Silver Glance No. 2		6201

<u>Claim or Tract</u>	<u>Patent No.</u>	<u>Mineral Survey No.</u>
Smuggler		5912
Snow Flake		6216
South Park		1563
Sun Up		5910
Syndicate		2185A
Thompson		6394
Triangle		20347
Uncle Ned		915
Undine		1090
Vestal		6252
Wabash		617
W.L Stevens		7017
Worlds Fair		15233
Yankee Boy		6969
Yellow Jacket		364
RGS Tract		
Roys Tract		
RGS Tract South		
Tremble Tract East		
RGS Wye Tract		
Winkfield Tract East		
A.E. Arms Tract North		
F.G. Day Tract		
A.E. Arms Tract South		
Max Boehmer Tract		

I consent to officers, employees, and authorized representatives of the United States Environmental Protection Agency (EPA) entering and having continued access to the Property from May 27, 2003 through May 31, 2003 for the following purposes:

1. Conducting field inspections and investigations;
2. Taking samples of air, soil/sediments, water and materials stored or disposed of on or adjacent to the Property; and
3. Taking samples of any solids or liquids stored or disposed of on or adjacent to the Property;

I realize that these actions are undertaken pursuant to EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), 42 U.S.C. § 9601 et seq.

I certify that I am legally authorized to grant the above-described access on behalf of Rico Properties Limited Liability Company.

Stanley A. Foster, Manager

Date